

REMARKS

Reexamination and reconsideration of claims 24-30 is respectfully requested. The allowance of claims 1-23, and the recognition of allowable subject matter in claims 25, 28, and 29 is acknowledged with appreciation. Additionally, Applicants appreciate the consideration of the Information Disclosure Statement.

The drawings were objected to because reference character 14a was not depicted in the Figures. Replacement Sheet (1/3) included herewith includes an amended Figure 1 that includes reference character 14a. Withdrawal of the objection to the drawings is respectfully requested.

The Abstract of the specification was objected to on page 17 for "and is" appearing twice. The Abstract was amended. Withdrawal of the objection to the Abstract is respectfully requested.

Claims 24, 26, 27, and 30 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 6,370,303 (the '303 patent) without a teaching reference. For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

The Office Action admitted that the '303 patent does not disclose a fiber optic cable having at least one strength member being a steel that is annealed. Applicants agree. Instead, the Office Action shifted the burden to Applicant to provide proof that "annealed" steel has different material properties than steel made by other processes. See p. 3 of the Office Action dated June 22, 2004.

The skilled artisan would have understood that annealing steel changes its properties, i.e., it relieves the work hardening from for instance the drawing process used to form the

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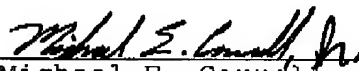
steel wire. See p. 5 of the present application. By way of example, and not limitation, "anneal" means to heat and then cool (as steel or glass) usu. for softening and making less brittle. See p. 46 of Merriam-Webster's Collegiate Dictionary, Tenth Edition (attached). Thus, annealing provides the steel with different material properties, thereby providing the advantages as discussed in the present application. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claims 24, 26, 27, and 30 is warranted and respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
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REPLACEMENT SHEET  
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